IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Original Jurisdiction

Dated: Nainital: the 1st day of October, 2002

Criminal Misc. Bail Application Number 711 of 2002

Order on the Bail Application

CRIMINAL SIDE

Bhuwan Ram son of Sri Ratan Ram, resident of village Saini Udyar, Tok-Danuthal, Patti Malla Kamsyar, Tehsil & District Bageshwar

……Applicant(s)

Versus

State of Uttaranchal ……..Opposite Party

Arising out of- Case crime no. 1 of 2002,
Under sections 302/201 of I.P.C.,
Patwari area-SainiUdyar,
District Bageshwar

By the Court

Hon'ble Irshad Hussain, J.

Heard learned counsel for the applicant-accused and the learned A.G.A

Perused the F.I.R. The case is triable by the Magistrate.

It is a case in which the wife of the applicant-accused received eighty per cent burn injuries in his husband's house and lateron she succumbed to those injuries. According to the prosecution, five years' old son of the applicant-accused has supported the prosecution version that the applicant-accused poured kerosene oil on the person of the deceased and set her to fire.

On behalf of the applicant-accused it has been submitted that the husband had tried to save his wife and sustained burn injuries on his person. Photo copy of the medical examination report of the applicant-accused has been filed today which indicate the presence of some simple burn injuries having been received about a week ago. It does not stand to reason as to how the medical examination was done after about a week and this aspect of the matter create suspicion in the contention made on behalf of the applicant-accused. Considering the totality of facts and circumstances of the case, I do not find it to be a fit case for bail.

Rejected.

(Irshad Hussain, J.)

01.10.02./B.